IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6550 of 2005

Between:

B. Venkata Subba Raidu, S/o. Late Venkata Ratnam
D.No. 23-7-16, Duggiralavari Street, Frezor pet,
Kakinada.

..... PETITIONER

AND

1 The District Collector Cum Special Officder, Kakinada Municipal

Corporation, Kakinada, East Godavari District.
2 The Superintendent of Police, East Godavari District, Kakinada.
3 The Sub-Collector Cum in-charge Officer, Kakinada Municipal Corporation, Kakinada, East Godavari District.
4 The District Revenue Officer, East Godavari District. Kakinada,
5 The Mandal Revenue Officer, Kakinada Urban Mandal, Revenue Division, Kakinada.
6 The Station House Officer, I Town Police Station, Kakinada, East Godavari District.
7 Kota Jayalakshmi, W/o. Kota Satyanarayana, D.No. 52-10-43, Jagannathapuram, Kakinada-2.
8 Velugubantla Surya Prabhavathi W/o. Eshwar Rao D.No. 52-10-39 Jagannathapuram, Kakinada-2.
9 Koppishetty Anantha lakshmi W/o. Kopishetty Satyanarayana, D.No. 52-11-67 Jagannathapuram, Kakinada-2.
10 Guttula Abbulu, S/o. Arjuna 7-13, Thuranji, Kakinada.
11 Gubbala Gourishankar S/o. Subba Rao 7-13, Thuranji, Kakinada.
12 Appanapalli Surya Kantham W/o. Veeraraju D.No. 52-10-41 Jagannathapuram, Kakinada-2.
13 Surampudi Jayalakshmi W/o. Ganeshwar Rao D.No. 52-11-68, Jagannathapuram, Kakinada-2.

14 Surampudi Sri Lakshmi, W/o. Surampudi Ramakrishna,
D.No. 52-11-68, Jagannathapuram, Kakinada-2.
15 Koppishetty Subbayamma W.o. Kopisetty Veeraraju,
D.No. 52-11-67, Jagannathapuram, Kakinada-2.
16 Anasuri Savithri W/o. Satyam
D.No. 52-10-43, Jagannathapuram, Kakinada-2.
17 Yalangi Kumari, W/o. Purushotama Venkata Satya Vara Prasad,

D.No. 52-10-43, Jagannathapuram, Kakinada-2.

18 Anasuri Subbalakshmi, W/o. Venkataramana,
D.No. 52-10-46, Jagannathapuram, Kakinada-2.
19 Vanumu Aruna Kumari, W/o. Venkata rao
D.No. 52-1-57/3, Jagannathapuram, Kakinada-2.
20 Anasuri Parvathi W/o. Lakshmipathi
D.No. 52-10-56 Jagannathapuram, Kakinada-2.
21 Kakalapalli Suryakantham W/o. Satyanarayana,
D.No. 52-10-43 Jagannathapuram, Kakinada-2.
22 Medisetty Dhairya Lakshmi W/o. Venkata Satyanarayana,
D.No. 52-10-43 Jagannathapuram, Kakinada-2.
23 Inti Venkata Ramana W/o. Satyanarayana
D.No. 52-10-46 Jagannathapuram, Kakinada-2.
24 Gandham Rani W/o. Radhakrishna
D.No. 52-10-39 Jagannathapuram, Kakinada-2.
25 Sakala Yesuratnam W/o. Sakala Moses
D.No. 52-11-8, Jagannathapuram, Kakinada-2.
26 Anasuri Mani W/o. Sri Ramachandra Murhty
D.No. 52-10-43, Jagannathapuram, Kakinada-2.
27 Appanapalli Venkatalakshmi, W/o. Appanapalli Pallapuraju
D.No. 52-10-41, Jagannathapuram, Kakinada-2.
28 Vanamadi Nagaratnam W/o. Vanamadi Kanakaraju
D.No. 52-10-40, Jagannathapuram, Kakinada-2.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents 1 to 6 in not taking action against the respondents 7 to 28 in illegally encroaching in to the land of the petitioner admeasuring 0.60 cents or 2904 sq. yards or 2428.03 Sq. Mtrs. situated at T.S.No. 541, ward No.22, Block No.52, Jagannadhapuram, Kakinada as illegal, arbitrary, unjust and unconstitutional and consequently direct the respondents 1 to 6 take necessary steps as per the law by preventing the encroachments pursuant to the representation of the petitioner dt. 12-3-2005 in the interest of justice and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.D.RAMAKRISHNA

Counsel for Respondents 1 to 6:G.P. for Revenue

Counsel for the Respondents 7 to 28: MR.S.NAGESWARA REDDY

The Court made the following :

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THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.6550 OF 2005

O R D E R:

Heard the learned counsel for the petitioner and perused the material on record.

The petitioner seeks a writ of Mandamus declaring the alleged action of the respondents 1 to 6 in not taking action against the respondents 7 to 28 as arbitrary and illegal.

On a perusal of the material on record, it is evident that the matter does not involve enforcement of any legal right or statutory obligation, but the dispute merely relates to the property rights *inter se* the petitioner and the respondents 7 to 28. In the circumstances, if the petitioner is aggrieved, it is always open to him to work out appropriate common law remedy, but no Writ of Mandamus can be issued as prayed for. Hence, I am not inclined to entertain the writ petition under Article 226 of the Constitution of India.

Accordingly, granting leave and liberty to the petitioner to work out appropriate remedy as available under law, the writ petition is disposed of. No costs.

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(G. ROHINI, J)

Date:31-03-2005

ghn

To

1 The District Collector Cum Special Officer, Kakinada Municipal

Corporation, Kakinada, East Godavari District.
2 The Superintendent of Police, East Godavari District, Kakinada.
3 The Sub-Collector Cum in-charge Officer, Kakinada Municipal Corporation, Kakinada, East Godavari District.
4 The District Revenue Officer, East Godavari District. Kakinada,
5 The Mandal Revenue Officer, Kakinada Urban Mandal, Revenue Division, Kakinada.
6 The Station House Officer, I Town Police Station, Kakinada, East Godavari District.
7 Two C.Cs to the G.P. for Revenue, High Court Buildings, A.P., Hyderabad (OUT)

8 Two C.D copies